

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE:** B-204707

**DATE:** July 20, 1982

**MATTER OF:** RDW Systems, Inc.

**DIGEST:**

1. Protester who was erroneously notified that its proposal qualified for competitive range was not prejudiced where proposal's exclusion from the competitive range was in accord with the criteria set forth in the solicitation.
2. Reduced score on basis that approach of proposal was "too general" was proper where solicitation requested detailed proposal.
3. Reduction of protester's preliminary technical score was proper where record shows that proposal's approach was broader in scope than need expressed in the solicitation.
4. Protester's disagreement with the amount by which its technical score was reduced does not render the score reduction unreasonable.
5. Proposal was properly excluded from competitive range where offeror's responses to the agency's request for clarifications led to the discovery of defects which, although not cited in clarification request, indicated that the proposal did not belong in the competitive range.

RDW Systems, Inc., protests the exclusion of its proposal from the competitive range by the Science and Education Administration (SEA), Department of Agriculture, under request for proposals (RFP) No. 73-A-SEA-81.

The RFP contemplated a firm, fixed-price contract to assess the agency's Personnel Management Information System, identify the personnel information needs and propose alternative courses of action which will result in improved availability and utility of personnel tracking information.

RDW Systems contends SEA excluded it from the competitive range by arbitrarily and capriciously decreasing its preliminary technical evaluation score. RDW Systems also claims bid preparation and protest costs. The protest and claim for costs are denied.

The RFP required that the proposals demonstrate how the offerors would accomplish three tasks. Task 1 required an assessment of the capabilities and limitations of computer subsystems of the SEA Personnel Management Information System. Task 2 required a determination of the agency's personnel information needs. This would be accomplished by interviewing designated management and operations personnel. Task 3 required an analysis of the information obtained in tasks 1 and 2 and the submission of a written report proposing alternative strategies for modifying the existing system in order to optimize the delivery of personnel information.

The proposals were to be evaluated technically based on the following three weighted factors: (1) program approach (40 points); (2) similar or related experience (10 points); and (3) qualifications of key personnel (10 points). The proposals were also to be cost evaluated based on proposed prices that would count for a maximum of 40 points.

Twelve proposals were received. A preliminary technical evaluation indicated that 10 of the proposals, including that of RDW Systems, were either technically acceptable or capable of being made acceptable by clarification. Although the preliminary examination did not include a cost evaluation or a determination of the competitive range, offerors of the 10 proposals were informed that they were determined to be in the competitive range. SEA now indicates that this was an error.

SEA's correspondence advising offerors that they were in the competitive range requested offerors to clarify certain aspects of their proposals. Upon receipt of the clarifications, the proposals were cost evaluated and technically reevaluated. Four

of the proposals rated in the 70's and 80's. Six proposals rated in the 60's and below. The competitive range was established at 72. RDW Systems' score was 61.2; the sum of a reevaluated technical score of 42 and a cost evaluated score of 19.2.

RDW Systems contends that its preliminary technical score was 51.38 or 56. The score was allegedly reduced on reevaluation to 42 as a result of a reduction in the program approach score. RDW Systems argues that the reduction was arbitrary and capricious.

The record indicates that SEA's reading of RDW Systems' clarifications regarding its task 2 interview approach created a suspicion that the scope of the proposal's approach was too broad. A rereading of the proposal confirmed the suspicion. The proposal's preliminary technical score was reduced accordingly. The proposal's following weaknesses were specifically cited to RDW Systems at the debriefing:

- a. the firm's approach was "too general"--close to what is referred to as a "textbook style";
- b. the proposal indications were much broader in scope than the statement of work (SOW) required or, in other words, "went beyond the stated needs";
- c. the firm's approach was directed toward developing a new system rather than assessing the existing one; and
- d. lack of understanding of the first task.

SEA was not bound by its notice to RDW Systems that it was in the competitive range. The notice was erroneous. The competitive range determination was not made until after the common due date for the requested clarifications. However, even if a competitive range determination was made before the notice was sent, we have held that, if it becomes clear that a proposal should not have been included in the competitive range or no longer belongs in the competitive range, the proposal may be precluded from further discussions. 52 Comp. Gen. 198 (1972). For the reasons stated below, we find that the protester's proposal was evaluated in accordance

with the RFP. The protester therefore suffered no prejudice by virtue of the erroneous notice. See Enviro Control, Inc., B-205722, April 13, 1982, 82-1 CPD 333; Jekyll Towing & Marine Services Corp., B-200313, July 23, 1981, 81-2 CPD 57.

In deciding protests against an agency's evaluation of proposals, our Office does not rescore the proposal or otherwise substitute our judgment for that of evaluation team members. The determination of the desirability of proposals is largely subjective, primarily the responsibility of the procuring agency, and not subject to objection by our Office unless shown to be unreasonable, arbitrary, or violative of the law. AAA Engineering and Drafting, Inc., B-204664, April 27, 1982, 82-1 CPD 387; Westec Services, Inc., B-204871, March 19, 1982, 82-1 CPD 257.

With regard to the first weakness in the RDM Systems proposal, the protester does not deny that its approach was "too general" or close to what is referred to as a "textbook style." The protester instead argues that this did not render its approach unsatisfactory. It contends that it successfully used this approach in a similar procurement. The protester's argument is without merit. The RFP clearly stated that proposals must contain a detailed description of the techniques and procedures to be employed. It was therefore not unreasonable to downgrade a proposal on the basis that it was too general. Whether information submitted in a technical proposal is sufficiently detailed to permit a finding of acceptability is within the subjective judgment of procuring officials. See Industrial Writing Institute, Inc., B-193245, May 10, 1979, 79-1 CPD 328; Telex Computer Products, Inc., B-190794, July 31, 1978, 78-2 CPD 78. The fact that the protester's approach may have been acceptable in other procurements does not render SEA's judgment unreasonable.

Due to the similarity of the second and third weaknesses cited by SEA, we shall consider them together.

In rereading the proposal, SEA's evaluators determined its approach was too broad in scope because it was more appropriate for determining the need for a

new system rather than the need for change in the existing system. The broad scope was believed to create an unlikelihood of success in achieving SEA's need.

RDW Systems admits that its approach is more appropriate for determining the need for a new system than the need for change in the existing system, but contends its approach is precisely what the RFP requested. The protester contends SEA's assertion that it wanted changes in the existing system constitutes a revision of the RFP.

We disagree. Although the SOW requested the examination of resources not currently utilized by SEA, the focus of the analysis was to be on the modification rather than the replacement of the SEA Personnel Information System. Task 1 required an assessment of the capabilities and limitations of the current system. A detailed description of the capabilities and current use of the computer subsystems was included. If the current system was to be replaced rather than modified, as the protester contends, an assessment of current capabilities and limitations would have been unnecessary. Therefore, the downgrading of the protester's proposal on the grounds that it exceeded the scope of the RFP was reasonable.

RDW Systems argues in the alternative that, even if its proposal did exceed the required scope, this would nevertheless be an insufficient basis for such a drastic downgrading of its score.

However, while RDW Systems expresses an opinion that the reduction in the score should not have been as great as it was, it has not shown that the reduction had no reasonable basis. The fact that the protester merely disagrees with the scoring of its proposal for not meeting the required scope does not establish that the evaluation had no reasonable basis. Decilog, B-198614, September 3, 1980, 80-2 CPD 169; Audio Technical Services, Ltd., B-192155, April 2, 1979, 79-1 CPD 223.

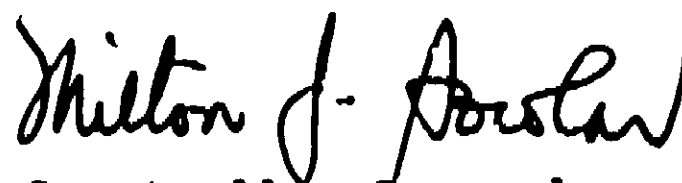
The final weakness cited by SEA was an inadequate understanding of the first task. That task required an assessment of the capabilities and limitations of the computer subsystems of the SEA Personnel Management

Information System. Although RDW Systems denies that this basis was provided at the debriefing, SEA indicates that it was. Our Office has held repeatedly that the protester's assertion that a procuring agency's statement of fact is untrue does not meet the protester's burden of affirmatively proving its case. Proprietary Computer Systems, Inc., 57 Comp. Gen. 800, 803-804 (1978), 78-2 CPD 212; The Public Research Institute of the Center for Naval Analyses of the University of Rochester, B-187639, August 15, 1977, 77-2 CPD 116.

The protester correctly points out that its lack of understanding of the first task was not cited by SEA in its request for clarifications. However, this is only because this deficiency was not discovered until afterward. The belated discovery of this deficiency does not preclude SEA from reducing the protester's score on this basis. As indicated above, we have held that once it becomes clear that a proposal does not belong in the competitive range, it may be excluded from the competitive range at that point without further discussion or allowing the submission of a revised proposal. 52 Comp. Gen. 198 (1972). See Westec Services, Inc., *supra*; CompuServe Data Systems, Inc., 60 Comp. Gen. 468, 475 (1981), 81-1 CPD 374.

In view of the foregoing, the protest is denied.

Since we have concluded that sufficient reasons existed to permit the exclusion of RDW Systems' proposal from the competitive range, it follows that there is no basis to support the recovery of proposal preparation costs. ASC Systems Corporation, B-186865, January 26, 1977, 77-1 CPD 60. Further, the cost of pursuing a protest is noncompensable in any case. Documentation Associates - Claim for Proposal Preparation Costs, B-190238, June 15, 1978, 78-1 CPD 437.

*for*   
Comptroller General  
of the United States